

REMARKS

Claims 1-9 constitute all currently pending claims in the application. Claims 1, 2, and 7 are amended.

Claim Rejections Under 35 U.S.C. § 112

Claims 1, 2, and 7 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In order to expedite prosecution, Applicant hereby amends claims 1, 2, and 7 to remove the limitation “continuously,” thereby rendering the rejection moot. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection.

Claim Rejection Under 35 U.S.C. § 103

Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,999,813 to Lu et al. (“Lu”) in view of U.S. Patent No. 6,771,661 to Chawla et al. (“Chawla”). Applicant traverses this rejection for at least the following reasons.

Amended independent claim 1 requires that “said base station comprises means for sending a message indicating to said corporate radial terminals the amount of resources they are allocated.” The Examiner notes that “Lu does not specifically disclose having [this] feature.” (Office Action at 4.) The Examiner argues, however, that this feature of claim 1 is taught by Chawla. (Office Action at 5).

The Examiner argues that “Chawla discloses the feature said base station comprises means for... sending an allocation information which reads on the claimed ‘message’ indicating to said voice, facsimile, computer terminal (210, 211, 212) which reads on the claimed ‘corporate radial terminals’ the amount of bandwidth which reads on the claimed ‘resources’

they are allocated.” As support for these alleged teachings of Chawla, the Examiner cites the following: Col. 10, line 65 - col. 11, line 34; col. 11, lines 55-62; col. 12, lines 6-25; col. 13, lines 6-20; Figs. 3-5.

Applicant first notes that the “data communications device 201-1,” which is alleged by the Examiner to correspond to the private branch exchange (“PBX”) of claim 1, is consistently referred to throughout Chawla as a “data communications device.” Chawla, thus, clearly distinguishes the “data communications device” from the voice terminals 210, 213, facsimile terminals 211, 214, and computer terminals (hosts) 212, 215, throughout the reference. In other words, the voice, facsimile, and computer terminals of Chawla are not referred to as data communications devices in that reference.

The Examiner first asserts that Chawla discloses “sending an allocation information [sic] which reads on the claimed “message” indicating to said voice, facsimile, computer terminal [sic] . . . the amount of bandwidth.” None of the cited portions of Chawla, however, appear to teach or suggest sending allocation information to any of the voice, facsimile, or computer terminals of Chawla.

For example, the Examiner cites col. 10, line 65 - col. 11, line 34. This portion of Chawla states that “the present invention is generally directed to mechanisms which allow data communications devices that form a communications network, such as routers, hubs, gateways, switches and so forth, to be configured with bandwidth allocation information that establishes reserved or allocated amounts of bandwidth.” The above quoted portion of Chawla clearly discusses “data communications devices,” consistently described throughout Chawla as the devices 201, and gives examples of such devices as routers, hubs, gateways, switches and so

forth. Thus, the above quoted portion of Chawla merely appears to teach that the data communications devices 201 of Chawla may be configured with bandwidth allocation information. Clearly, nothing in this portion of Chawla appears to teach or suggest that bandwidth allocation information is sent to a voice, facsimile, or computer terminal.

The Examiner continues by citing col. 11, lines 55-62 of Chawla. This portion of Chawla merely appears to describe the contents of Fig. 3 of Chawla, mentioning the data communications devices 201-1 through 201-4, and the voice, facsimile, and computer terminals depicted in Fig. 3.

Next cited by the Examiner is Col. 12, lines 6-25 of Chawla, which begins by providing further examples of “data communication devices 201” such as network access servers, routers, switches, hubs, and so forth. This portion of Chawla further states that “certain embodiments . . . allow each device 201 to dynamically reserve bandwidth to one or more sessions of data communication between terminals 210-215 and allow the amount of bandwidth that is reserved by or to those sessions to be automatically and dynamically changed upon the occurrence of a time or event.” Thus, only the function of data communications devices 201 for dynamically reserving bandwidth is described therein.

Although this portion of Chawla does mention that “sessions of data communication between terminals 210-215” may be established, and that bandwidth for such sessions may be dynamically reserved by the “data communications devices 201,” no mention is made of sending a message indicating the bandwidth reserved to terminals 210-215. Applicant emphasizes that the mere fact that bandwidth is reserved for terminals 210-215 does not imply or necessitate that

any message indicating the reserved bandwidth be sent to those terminals. Thus, this portion of Chawla also fails to teach or suggest the above-quoted element of claim 1.

Finally, the Examiner cites col. 13, lines 6-20 of Chawla, which appears to describe the varying bandwidth requirements, or network resource requirements, of the voice, facsimile, and computer terminals, 210-215, in a hypothetical scenario at various times of day. Thus, this portion of Chawla merely speculates that bandwidth requirements of the various terminals 210-215 may vary over time. Nothing in this portion of Chawla teaches or suggests sending a message to the terminals 210-215, indicating any information regarding bandwidth or resources allocated to those terminals. Applicant again wishes to emphasize that the mere fact that the resource or bandwidth requirements of terminals 210-215 may change or vary over time, fails to imply or necessitate that any message indicating the amount of bandwidth or resources allocated to those terminals be sent to those terminals.

Thus, although the Examiner asserts that Chawla discloses the above-quoted element of claim 1, as extensively set forth above, no portion of Chawla cited by the Examiner, indeed no portion of the entirety of the reference, appears to teach or suggest the above quoted element of claim 1. Lu and Chawla, alone or in combination, thus fail to teach or suggest each and every element of claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 1 and its dependent claim 8.

Independent claims 2 and 7 recite features similar to those of claim 1. Independent claims 2 and 7, therefore, are patentable at least for reasons analogous to those presented above with regard to claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of independent claims 2 and 7, and their dependent claims 3-6, and 9.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicant herewith petitions the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Unless a check is attached, any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Kelly G. Hyndman 39,234/
Kelly G. Hyndman
Registration No. 39,234

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: August 17, 2007